

APPLICANTS:
Matthew & Jacqueline Sheets

REQUEST: A variance to locate a
garage within the required 30 foot front
yard setback in the R2 District

HEARING DATE: November 13, 2006

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS

Case No. 5570

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Matthew R. Sheets

CO-APPLICANT: Jacqueline Sheets

LOCATION: 706 Fairwind Drive – Fairwind Farms, Bel Air
Tax Map: 49 / Grid: 4A / Parcel: 553 / Lot: 212
Third (3rd) Election District

ZONING: R2/COS Urban Development District,
(Conventional with Open Space Development)

REQUEST: A variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to permit a garage to be located within the required 30 foot front yard setback (24 foot setback proposed), in the R2 District.

TESTIMONY AND EVIDENCE OF RECORD:

Matthew R. Sheets, Co-Applicant, identified the subject property as a 10,400 square foot parcel, zoned R2, improved by a three bedroom, single-family, colonial-style home. The Applicants and their two daughters live on the subject property, which has been owned by them for approximately five years.

Mr. Sheets described his parcel as being a corner lot, with frontage on both Fairwind Drive and Mayton Court. As such, the lot is subject to 30 foot front yard setbacks along two of its sides. Mr. Sheets wishes to build a garage having dimensions of approximately 24 feet by 26 feet, to be accessed by a driveway off Fairwind Drive. Mr. Sheets stated that in front of his house – on Fairwind Drive – is located a fire hydrant to the right of the driveway which restricts the location of a potential garage and associated driveway.

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Furthermore, the house is located approximately 8 feet beyond the front yard setback off Fairwind Drive, which also limits the amount of available space for a garage. The garage would match in style and appearance that of the single family home with vinyl siding, and a pitched roof. The garage would be a two-car garage, with one overhead door. The property does not currently have a garage, and is improved to the rear by an above-ground swimming pool and a storage shed.

Mr. Sheets has discussed his plan with the neighbors and none has noted any objection to the proposal.

The Harford County Department of Planning and Zoning finds the property to be unique. The lot is a corner lot and subject to two front yard setbacks.

“The location of the proposed garage is the only practical location. The dwelling was placed on the property within the rear yard setback and is recognized as a non-conforming structure. Had the dwelling been placed along the front yard setback and closer to the side property line, the variance would not be required. The requested variance should not adversely impact adjacent properties. The proposed garage is consistent with other garages in the area.”

There was no testimony or evidence given in opposition.

APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

“Variances.

A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.*
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

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- B. *In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*
- C. *If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”*

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

It is found, based upon a review of the plot plan of the subject property (Attachment 4 to the Staff Report), the testimony of the Applicant, and the recommendation of the Harford County Department of Planning and Zoning, that the subject property is unique. The property, being a corner lot, is encumbered by two 30 foot front yard setbacks which significantly restricts the amount of buildable area on this 10,400 square foot lot. Exacerbating the Applicants situation is the fact that the dwelling itself is located well beyond the front yard setback, and actually into the rear yard setback. The unusual location of the dwelling drastically restricts the ability of the Applicants to build any sort of a useable structure on the property without a variance.

It is accordingly found that the property is unique. As a result of the unique configuration of the property the Applicants suffer a practical hardship as they are not able to construct the garage requested, without a variance to the requirements of the Code.

It is further found that the requested variance is the minimum necessary in order for the Applicants to build a two-car garage, similar in appearance and design to others throughout the area and Harford County. The requested garage will be in conformity with other structures in the neighborhood and will not adversely affect the immediately adjoining neighbors or the subdivision itself.

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CONCLUSION:

It is accordingly recommended the requested variance be granted, subject to the following:

1. The Applicants shall obtain all necessary permits and inspections for the construction of the garage.
2. The garage shall not be used in the furtherance of a business.
3. The garage shall be used for the personal use of the Applicants.

Date: December 7, 2006

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on JANUARY 8, 2007.